

Regular Session, 2010

SENATE BILL NO. 278

BY SENATOR ERDEY

PARISHES. Provides with respect to the costs associated with the removal of dangerous structures incurred by a parish or municipality. (8/15/10)

AN ACT

To amend and reenact R.S. 33:4766(E)(1), relative to liens and privileges on immovable property; to provide relative to the procedure for the enforcement of certain liens and privileges by local government; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4766(E)(1) is hereby amended and reenacted to read as follows:

§4766. Lien and privilege for cost of demolition, removal, and maintenance by parish or municipality; interest; attorney fees

* * *

E.(1) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; said lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the parish or municipality has incurred such costs as which

1 constitute the lien and privilege on the property, the parish president, police jury,
2 mayor, or any director of any community development department of the parish or
3 municipality may send an attested bill of said costs and expenses which constitute
4 the lien and privilege to the ~~director of administration~~ **parish assessor**, who shall add
5 the amount of said bill to the next tax bill of the owner. The lien obtained by the
6 parish or municipality pursuant to proper notification and filing shall include not
7 only the costs provided for in Subsection A of this Section but shall include all
8 attorney fees and all costs of court incurred in the locating of the owner, the
9 notification of the owner, and the enforcement and collection of the amount secured
10 by the lien against the immovable and the improvements.

11 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

DIGEST

Present law provides that a privilege and lien in favor of a parish or municipality for costs of removal of dangerous structures may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, and may be enforced and collected as any ordinary property tax lien assessed against the property. Present law further provides that the parish president, police jury, mayor, or any director of any community development department of the parish or municipality may send an attested bill of the costs and expenses which constitute the lien and privilege to the director of administration, who shall add the amount of the bill to the next tax bill of the owner.

Proposed law retains present law but changes the proper party, for purposes of receiving the attested bill, from the director of administration to the parish assessor.

Effective August 15, 2010.

(Amends RS 33:4766(E)(1))